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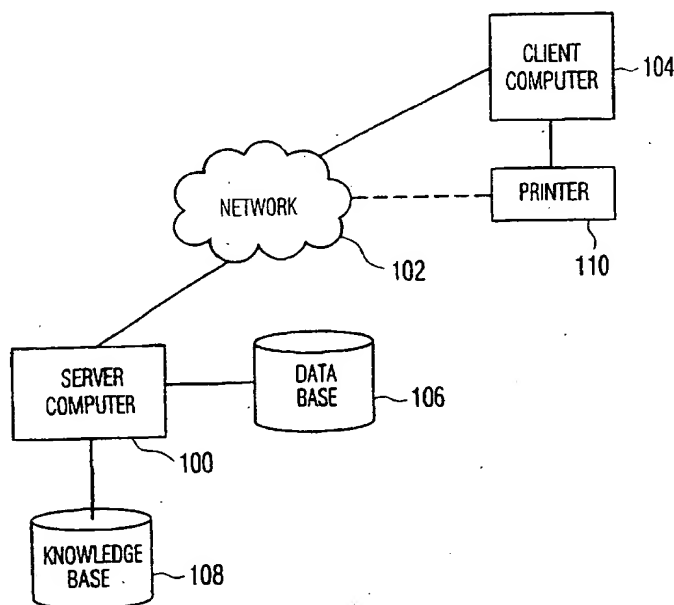


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- (54) Title: **METHOD AND SYSTEM FOR DISTRIBUTING OTHERWISE UNAVAILABLE WORKS OVER THE INTERNET**
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(57) Abstract: A method and system for sale of otherwise unavailable works via the Internet, the method including entering into agreements with owners of copyrights such as publishers, authors and other owners, to obtain a right to distribute in an electronic form, books, audio or video recordings, titles or other works of authorship that are not available for sale through normal distribution channels. The works are then digitized, and stored in a database (106) connected to the server computer (100) coupled to the Internet (102). The availability of the works is then made known to the public. When a member of the public (104) requests a copy of the work, the work is then transmitted to the member via an electronic form, to be printed at a printer (110) designated by him. If the printer is directly connected to the Internet, the method includes printing a copy directly on the printer. If a printable copy of the digitized work is downloaded to a user's computer, preferably a license file is downloaded to limit the number of copies that can be printed by the user.

METHOD AND SYSTEM FOR DISTRIBUTING OTHERWISE UNAVAILABLE WORKS OVER THE INTERNET

5 FIELD OF THE INVENTION

This invention is related to electronic commerce. In particular, the invention includes a method and system for distributing otherwise unavailable works—such as out-of-print books, generally unavailable video or audio recordings etc.—in an electronic form over a communications network.

10 BACKGROUND OF THE INVENTION

With the propagation of communication via the Internet, also known as the web, a variety of businesses have started to use the web as a principal medium of reaching potential buyers. Certain businesses, which were hitherto unprofitable, are now enabled because of the wide reach of the Internet. Persons from anywhere in the world can reach out and
15 purchase a product sold on the web.

Currently, a variety of products are sold over the Internet. These products include computers, office supplies, airline tickets, and books. For example, the online bookseller, Amazon.com, sells books at a web site displays the titles of all available books in a searchable format. Typically, a user makes a selection of a book via an Internet browser.
20 The selected book is then shipped using regular shipment methods such as a parcel service.

Similar to the service offered by Amazon.com, some web entrepreneurs have started to sell rare books or used books via a similar method. While some of these are successful for the markets they address, these online commerce methods share one common, but severely limiting, characteristic—they must locate physical copies of books from any
25 number of disparate sources such as used-book sellers or book collectors, and distribute those books to consumers.

As offered by the online bookseller Amazon.com, there are currently approximately 1.5 million English-language books cataloged as “in-print”. These “in-print” books are, in general, printed by a publisher in anticipation of consumer demand. If the publisher’s guess
30 of the book’s success is wrong, then the costs of printing cannot be recovered by the publisher. Even if a book is initially successful, costs associated with speculative physical printing and distribution of some books may become greater than the demand justifies. For example, assume that a single press “run” can print 1,500 copies of a somewhat popular book. Assuming the cost of the run is \$10,000, and each copy is priced at \$10.00
35 (wholesale), the publisher must be able to sell at least 1000 copies to break even. If the

estimated demand is for only 750 copies, then the publisher may decide not to publish the book because he cannot recover the costs. After demand for a book is reduced below a level where it is not economically viable for a publisher to print another run, which is generally between 1,500 to 5,000 books annually, he will decide not to print any more runs, and the remaining physical inventory is depleted. At the point at which copies of book are no longer available in the distribution chain, the book is out-of-stock (OOS). At the point at which the publisher has no copies of the book available for distribution, the book is out-of-stock-indefinitely (OSI). At the point at which the publisher is no longer willing to catalog and promote a title, that work is typically classified or declared by the publisher as "out-of-print" (OP). But there may still remain an actual demand for a few hundred copies.

Publishers acquire copyrights directly from authors in order to print, market and distribute their works. That arrangement generally includes an up-front acquisition fee such as an advance, and some percentage royalty agreement based on the revenue generated. When a book goes out-of-print, the publisher typically loses the intellectual property rights associated with that book, which usually revert to its author. The rights to such out-of-print works usually have very little value, because they generate no revenues for their owners due to the high costs of physical, speculative printing. The result is that significant material can become substantially less accessible to an audience that might enjoy being able to use it.

An additional cost is the cost of securing permission to make a single copy or a small number of copies of a book or other work that is no longer available for sale. Frequently, the costs of locating the copyright owner, locating a physical copy of the work to be duplicated, securing permission to copy and then making a copy are prohibitive to all but the most determined.

There is a need, therefore, for a method and system to enable the sale of books and other works of authorship with significant but relatively small unsatisfied consumer demand.

SUMMARY OF THE INVENTION

The invention is directed toward a method of distributing otherwise unavailable works. By "otherwise unavailable" it is meant that the work of authorship is not available for sale in normal distribution channels. In the case of a book, "otherwise unavailable" means that the book is out-of-print, out-of-stock, or out-of-stock indefinitely. In the case of a video or audio recording, it means that the recordings are not available for sale. However, to distribute a copy of an "otherwise unavailable work," it obviously is necessary that a copy be available in some form to the distributor and the term "otherwise unavailable" is to be understood as allowing for this.

A preferred embodiment of the invention comprises the steps of obtaining from an owner of the copyright in the work the right to reproduce the copyrighted work and distribute copies of the work; converting the copyrighted work to electronic form; making known to members of the public the availability of the work; receiving from a member of the public a request for a copy of the work; receiving payment for the requested work; and providing to the requesting member a copy of the work in electronic form. In another aspect, the invention comprises recording receipt of payment for the requested work; and providing to the copyright owner a royalty for the copyrighted works that are distributed.

In yet another aspect of the invention, the step of making known the availability of the work comprises the steps of establishing a web site on a server computer, and displaying on the web site a list of works available for distribution. In other embodiments, the downloading is free of charge either as a loss leader or if a service provider obtains sufficient advertisement revenues based on hits on its web sites.

In a further aspect, the invention comprises a method of making available a printed version of a requested work by transmitting a printable version to the requesting member directly at a printer designated by the requesting member, the printer being coupled to his home computer, or connected directly to the Internet. In another aspect, the invention comprises transmitting a copy of the requested work to a printing company or a business services company's location, and delivering a copy to the requestor or arranging for pickup of a copy by him. In a further aspect, the invention comprises downloading a license file to a requesting member's computer allowing him to print a pre-determined number of copies on a printer of his choice.

BRIEF DESCRIPTION OF THE DRAWINGS

These and other objects, features and advantages of the present invention will be more readily apparent from the following detailed description of the preferred embodiments, in which,

FIG. 1 is a block diagram of an illustrative a system for carrying out the present invention;

FIG. 2 depicts a high-level view of the relationships between certain entities according to a preferred mode of the invention; and

FIG. 3 is a flow chart depicting the steps of a preferred embodiment of the invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

Referring now to the drawings, FIG. 1 shows a schematic of the several types of computers interconnected in accordance with the present invention. A server computer 100,

operating as a web server computer, is connected to a data communications network such as the Internet 102. Also connected to the Internet 102 are one or more client computers 104.

The server computer 100 illustratively comprises a microprocessor such as a Compaq Alpha microprocessor, a disk drive, a memory such as a semiconductor memory, and runs an operating system such as Windows-NT or Linux. The server computer 100 is additionally equipped with a data communications device such as a 3-COM network card to connect to the Internet 102. In general, the connection to the Internet 102 can be established via an Internet Service Provider (ISP) or a direct connection. In a preferred embodiment, the server computer 100 is connected to the Internet 102 via a high-speed connection such as a Digital Subscriber Line connection in order to receive and service numerous requests at a high data rate.

The server computer 100 is configured to function as a web server. The web server is typically a general purpose computer such as the server computer running software such as Common Gateway Interface (CGI) programs. The CGI programs provide for communication and interaction between a client computer 104 and the server computer 100 via the Internet 102. These CGI programs, coupled with data communications software programs, are configured to receive packets of messages from computers connected to the Internet 102, decipher the information in the packets, and act according to instructions provided in the packets within the constraints imposed by an administrator managing the server computer 100. Commercial suppliers such as Netscape Corporation market web server software. Additionally, such web server software can also be downloaded and configured free of charge from some sources such as Apache.

In addition to performing the tasks of receiving and sending packets of data from and to the computers connected to the Internet, the CGI programs are configured to perform other tasks such as communicate with a database 106 coupled to the server computer 100, and extract or store information in the database according to the software instructions provided within the server computer 100 or in the packets received from the Internet 102. The server computer 100 is configured to receive request messages from a client computer 104 over the internet in the Hyper Text Transfer Protocol (HTTP), File Transfer Protocol (FTP) or any similar protocol used to transfer data, video, voice or a combination of these media. After analyzing the request messages, the server computer 100 is configured to transmit in response messages that include "web pages" that are programmed in Hyper Text Markup Language (HTML) or a similar language. Embedded in the web pages are components such as documents, scripts, objects, and frames that enable the server computer 100 to display colorful graphical images on a display device coupled to the client computer

104. Persons skilled in the art know how to make web pages using programming languages or tools such as HTML, Cold Fusion, Java, Java Script, Active Server Pages, Dynamic HTML, Extensible Markup Language (XML), etc.

Database 106 stores the information content of all the works of authorship that are made available by the system of the present invention. The phrase "works of authorship" is used herein in the broadest sense contemplated by the Copyright Laws of the United States, Title 17, United States Code. Such works of authorship include, by way of example but not limitation, books, magazines, newspapers, comics, photos, movies, video recordings, records, tapes, Compact Discs (CD), Digital Video Discs (DVD), and audio recordings. Preferably these works are stored in digital format such as portable document format (PDF) for books and visual material or as digital audio for audio material. In a preferred embodiment, the database 106 is an Oracle Relational Database Management System. The database 106 is also used as a store for customer requests as will be explained below.

In a preferred embodiment, the server computer 100 is also coupled to a knowledge base 108, which analyzes the information stored in the database 106 in order to provide a service provider (SP) a summary of the type of requests that are received, the type of need felt in the market, and the like. This information can be used by the SP to negotiate an outright purchase of the rights to a title instead of some royalty payments based on the number of copies sold.

Each client computer 104 illustratively comprises a microprocessor such as a Pentium III microprocessor, a disk drive, a memory such as a semiconductor memory, a keyboard or other character input device, a mouse or other pointing device, and a display device such as a CRT or a flat panel display.

Illustratively, the client computer 104 is also coupled to a printing device such as a laser printer 110 with a resolution of 300 dpi and with speed of 5 ppm. The laser printer 110 could be, in an alternative embodiment, connected to the Internet 102 (as suggested by the dashed lines in FIG. 1) via a protocol such as the Internet Printing Protocol (IPP). In other embodiments, the laser printer 110 is coupled to a local area network accessible by the client computer 104. In another embodiment, the laser printer 110 could be located at a local bookstore, a printing company such as Insty-Prints or a business services company such as Kinko's. In case the laser printer 110 is directly coupled to the Internet 102, the laser printer 110 is preferably configured with an Internet address that is addressable by the server computer 100 or other computer in order to deliver a digitized copy of the book to the laser printer 110.

In addition to operating system software, the client computer 104 also executes a program called a web browser, or simply, a browser. The browser is a computer program that provides access to the vast resources of the Internet. Typically, this is done by providing a "window" to the data located on other computers connected to the Internet.

- 5 Examples of browser programs available are Netscape Navigator, Microsoft Internet Explorer, and Opera.

Referring now to FIG. 2, an overall method to implement the principles of the present invention is depicted. According to a preferred embodiment of the present invention, a Service Provider (SP) 200, operating the server computer 100, enters into
10 agreements with several entities such as publishers, or other owners of copyrights 202. For example, publishers may still own the copyright to a book or a title that is about to go out of print. Alternatively, the owners of the copyright could be the author of a work who either published the work himself, or who has never published the work, or to whom the copyright has reverted after a book, a movie, a video or an audio recording has become out-of-print.
15 Other owners could be the descendants of a deceased author; a former spouse of an author who obtained the copyright as a part of the dissolution of marriage, etc.

These agreements provide the SP with the rights to market, in a digital form or otherwise, works of authorship titles that are otherwise unavailable. In a preferred embodiment, the otherwise unavailable works are out-of-print books, or books that are out-
20 of-stock (OS) and out-of-stock-indefinitely (OSI). Preferably, these agreements are exclusive distribution agreements. In other embodiments, the agreement could be non-exclusive, or exclusive within a particular geographical territory, for a limited time, or based on other criteria. In order to obtain rights to distribute otherwise unavailable works, the SP typically offers monetary compensation in the form of outright cash payments or
25 royalties—which could be structured in the form of a portion of actual revenues or profits realized through the sale of such works.

Additionally, in a preferred embodiment, the SP enters into agreements with Online Service Providers such as America Online, Inc. These agreements provide for distribution and promotional assistance from online service providers in return for a reward in the form
30 of a portion of the amount of sales generated by the services, or cash advances against royalties.

The SP optionally enters into agreements with one or more booksellers such as Borders Bookstores, and others. Illustratively, such an agreement provides for promotional and referral assistance for the SP's books. If a customer requests the bookseller for a book
35 that is among the product category offered by the SP, then the bookseller refers the

customer to the SP, typically in return for compensation. The compensation to the bookseller might be a royalty payment or an agreement with the SP to refer certain inquiries to the bookseller for certain offerings from the bookseller. The agreement with the bookseller may additionally provide for services by the bookseller such as in-store
5 marketing and sales; in-store downloading or delivery of books using the bookseller's printing facilities; or cross marketing through direct mail and online methods. Such an arrangement provides the bookseller the additional advantages of increased store traffic and incremental revenue sources at little or no capital expenditure, since the bookseller merely provides a client computer at its site to refer customers to the SP.

10 In a preferred embodiment, the SP also enters into agreements with business service companies and printing companies as well. For example, if a customer wishes to obtain a printed copy of a book in a form provided only by printing companies, such as full-color bound versions, these can be obtained from a printing company.

It will also be necessary for the SP to obtain a copy of each work of authorship that
15 is to be distributed so that a copy of the work may be stored in database 106. Preferably, the copy of obtained from the copyright owner at the time the SP obtains permission to copy the work. Alternatively, separate arrangements can be made with sources such as libraries to obtain temporary access to the work for purposes of copying.

FIG. 3 is a flow chart illustrating the operation of the invention. In accordance with
20 the method shown, the SP enters into a plurality of agreements with owners of copyrights, booksellers, online service companies, publishers, printing companies such as described above allowing the SP to distribute otherwise unavailable works of authorship (Step 300).

The SP, after securing a right to distribute digital copies on the Internet 102, digitizes the title. In the case of a book, this can be done by scanning a text file, and passing
25 the scanned file through an optical character reader. In alternative embodiments, the process of digitizing a file could be performed by creating an exact replica of a book or pictorial information in a form easy to be printed at a remote site such as a client computer. This is achieved in a preferred embodiment by converting the document into a portable document format (PDF), or a post script format. Likewise, audio recordings can also be
30 digitized. The digitized copies are stored in the database 106 (Step 302).

The SP establishes a list of titles available for sale in a digital form and announces or otherwise advertises the information (Step 304). The list of titles is also stored in the database 106 and is readily accessible for a user who selects a category of titles. In a preferred embodiment, the title, author, place and date of publication, the name of publisher,
35

and a list of key words to describe the general subject matter or type of work (fiction, romance, etc.) are stored in the database 106.

Using these attributes of a title, a user is able to search the database via a web browser. For example, a user may wish to search all titles available from a single author, a group of authors, a year of publication, a subject, or a publishing house.

To perform such a search, a user operating a client computer 104 points his browser to the server computer 100 running the SP's web site (Step 306). In alternative embodiments, the user directs his browser to display the SP's web pages by either entering the SP's Internet address in a Universal Resource Language (URL) form, or by clicking an icon or a hyperlink provided by the SP at a different web site such as a web site maintained by a search engine. Other modes of directing user traffic to the SP's web site include advertisements on popular web sites, arrangements with booksellers and other companies.

The server computer 100 then opens a secure connection with the client computer 104 and displays an enrollment web page on the client computer 104. The secure connection can be achieved by using an industry standard package such as Secure Socket Layer or encryption such as RSA in order to ensure security of the information transmitted between the server computer 100 and the client computer 104.

The enrollment web page contains areas where the user can enter his name and other information such as his e-mail address and mailing address to identify himself. In preferred embodiments, the user is given options to either pay using a credit card such as Master Card, VISA or others, or to pay upon receiving an invoice. Other embodiments of entering payment information include the several electronic payment methods such as Ibill, DigiCash, Cyber Cash, and others. In all these embodiments, the user is requested to provide an identification and billing information which is used to either bill the customer or debit his account if it is already established. In other embodiments, the SP may extend credit to the customer, and require the customer to enter a credit agreement with the SP. This agreement provides for the customer to pay on a periodic basis for the purchases made by the customer. In a yet another embodiment, there could be established for the customer a pre-paid account with the SP. This is similar to the pre-paid telephone calling cards, whereby a customer pays a certain amount to the SP, and makes telephone calls until the pre-paid amount is used up. In other embodiments, a user may be able to choose a plurality of methods to pay for the purchases, partly using a credit card, partly using Cyber Cash Credits, and partly to be billed at his home or work address (Step 308).

The SP may provide certain promotional incentives to the customer such as a discount on purchases made on a certain day; a discount on purchases made in a certain

category of products; and the like. Details of these methods of payment and the discounts available are stored in the database 106 (Step 310).

If a user is already enrolled, the user may simply create a "session" to purchase a title sold by the SP. Each time a user initiates a session, the session will be given a unique identifier, called the session identifier. This session identifier is stored in the database 106 against the user's identifier. The session identifier enables the SP to track the number and type of requests made by the user.

The user is then allowed to select titles for electronic download and purchase. In the following description, a selection by the user of only one title is described, but the invented method is not to be understood as limited to the selection of only one title. The user selects a particular title to purchase digitally by selecting the appropriate area in a web page. Information identifying this selection is transmitted in a packet of data to the server computer 100 (Step 312).

The server computer 100 then verifies the payment plan according to which the user elected to pay for the purchase. If there are insufficient funds in the user's account, then the server computer 100 suspends processing the purchase order and informs the user that he is required to replenish his account with funds, or select an alternative mode of payment such as opening a line of credit, or denoting a place where an invoice can be sent (Step 314).

If on the other hand, the user's account has sufficient funds to purchase the title, the server computer displays a web page to ask where the customer would like the document to be printed. For example, if the customer wants to purchase a book and this client computer 104 is coupled to an attached laser printer 110, the customer is likely to denote it as a print destination. The server computer 100 then downloads to the client computer 104 a license file, that contains an authorization to print one copy on the laser printer 110 from that client computer 104. After the license file is downloaded, the server computer 100 opens a file-transfer-protocol (ftp) connection and downloads to the client computer a file containing the complete text of the book in digital form.

In another embodiment, if the digital copy of the selected title is in a portable document format (PDF), the server computer 100 causes a special program such as Adobe® Acrobat™ Reader to be executed on the client computer 104, and delivers to the client computer 104 a PDF file representing the book so that it can be viewed or printed from that computer (Step 316).

In a preferred embodiment, restrictions are imposed on the file that is transferred to a customer so that only a limited number of copies can be printed from such file. Preferably,

a print-once license file is first downloaded to the client computer 104 as described above. In other embodiments, a user is enabled to print a few copies of the downloaded file.

If a user elects to obtain a high-quality printed version of the title, the user selects an option on a web page displayed by the server computer. The server computer 100 then
5 displays a print destination selection web page, in which the user can enter the Internet address of a laser printer 110 located at a printing company or a business services company such as Kinko's. In an alternative embodiment, the user simply specifies that he would like to obtain a high-quality printed copy of the title from a printing company. To support this embodiment, the SP must make agreements with some printing companies and business
10 services companies. In this case, the SP delivers by means of electronic mail or otherwise, a digital copy of the requested title to the printing company or business services company. The company then prints a copy and delivers to the user or makes available for picking up a high-quality printed version of the title (Step 318).

If the user elected to be billed at his home address, the server computer 100
15 generates an invoice and mails it to the address specified in the enrollment step 308 (Step 320).

It should be noted that some of the steps described herein are not required, and are included only for the purposes of elaboration. For example, the creation of a session identifier, or a selection of a payment method may not be required in certain embodiments
20 of the invention. Additionally, the order of the steps described herein can be changed. The user may elect to choose a method of payment after the selection of a title, or make a partial selection of products, save the transaction and elect to continue the transaction at a later time.

As will be apparent, the web-based information distribution system of the present
25 invention provides easy transfer of documents and books in a transparent way. This can additionally increase the value of proprietary intellectual content. In some cases, works that were previously valueless may become valuable, and in other cases, the hidden value of certain intellectual property assets can be unearthed, because of the ease of distribution. Even a modest increase in the values attached to certain categories of previously published
30 works could be sufficient to generate significant revenues.

It is further understood that the embodiments described herein above are merely illustrative and not intended to limit the scope of the invention. One skilled in the art may make various changes, rearrangements and modifications without substantially departing from the principles of the invention. Accordingly, all such deviations and departures should
35 be interpreted to be within the spirit and scope of the following claims.

What is claimed is:

1. A method of distributing otherwise unavailable copyrighted works comprising the steps of:
 - 5 obtaining from an owner of the copyright in the work the right to reproduce the copyrighted work and distribute copies of the work;
 - converting the copyrighted work to electronic form;
 - making known to members of the public the availability of the work;
 - receiving from a member of the public a request for a copy of the work;
 - 10 receiving payment for the requested work; and
 - providing to the requesting member a copy of the work in electronic form.
2. The method of claim 1 further comprising the steps of:
 - 15 recording receipt of payment for the requested work; and
 - providing to the copyright owner a royalty for the copyrighted works that are distributed.
3. The method of claim 1 wherein the step of making known the availability of the work comprises the steps of:
 - 20 establishing a web site on a server computer, and
 - displaying on the web site a list of works available for distribution.
4. A method of distributing otherwise unavailable out-of-print, out-of-stock or out-of-stock-indefinitely works, comprising the steps of:
 - 25 obtaining from an owner of the work the right to reproduce the work and distribute copies of the work;
 - converting the work to electronic form;
 - making known to members of the public the availability of the work;
 - receiving from a member of the public a request for a copy of the work; and
 - 30 providing to the requesting member a copy of the work in electronic form.
5. The method of claim 4 further comprising the steps of:
 - 35 receiving payment for the requested work;
 - recording receipt of payment for the requested work; and
 - providing to the owner a royalty for the works that are distributed.

6. The method of claim 1 wherein the step of providing to the requesting member a copy of the work in electronic form comprises the steps of:
designating a printer at which a copy can be printed; and
transmitting a printable version of a copy of the work to the printer.

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7. The method of claim 6, wherein the step of designating a printer comprises the step of designating an Internet address of a printer coupled directly to the Internet.

8. The method of claim 6, wherein the step of designating a printer comprises
10 the step of designating a location of a printing company or a business services company.

9. The method of claim 6, wherein the step of transmitting a printable version of a copy of the work further comprises the step of downloading a license file to print a pre-determined number of copies.

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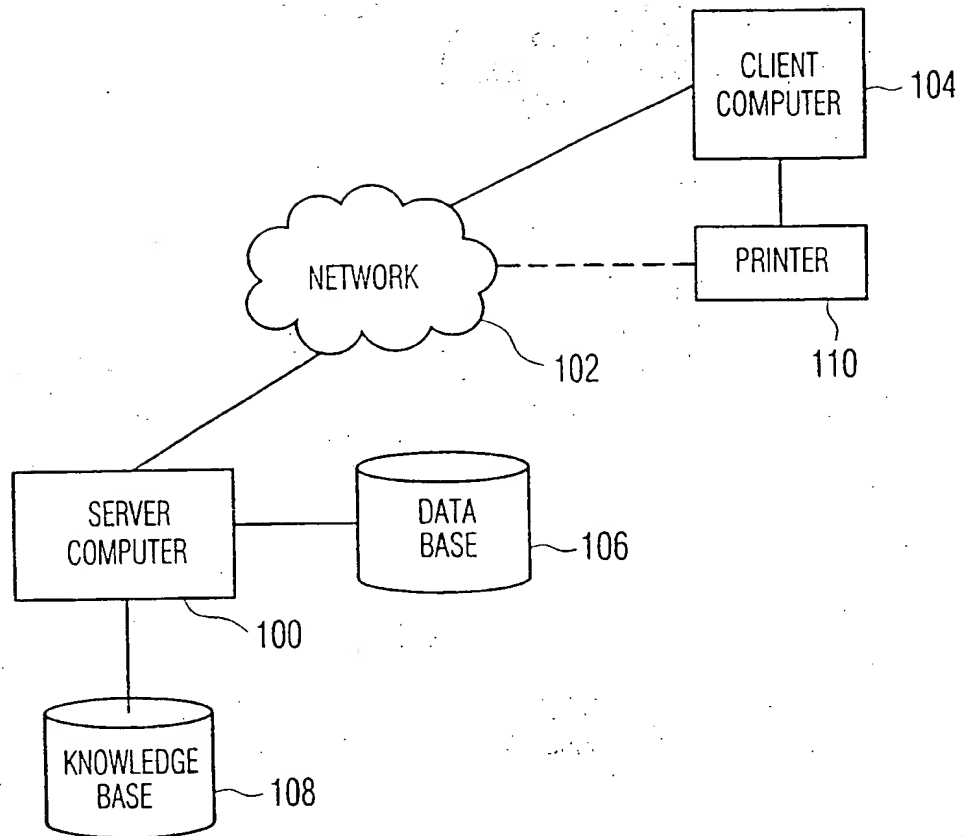


FIG. 1

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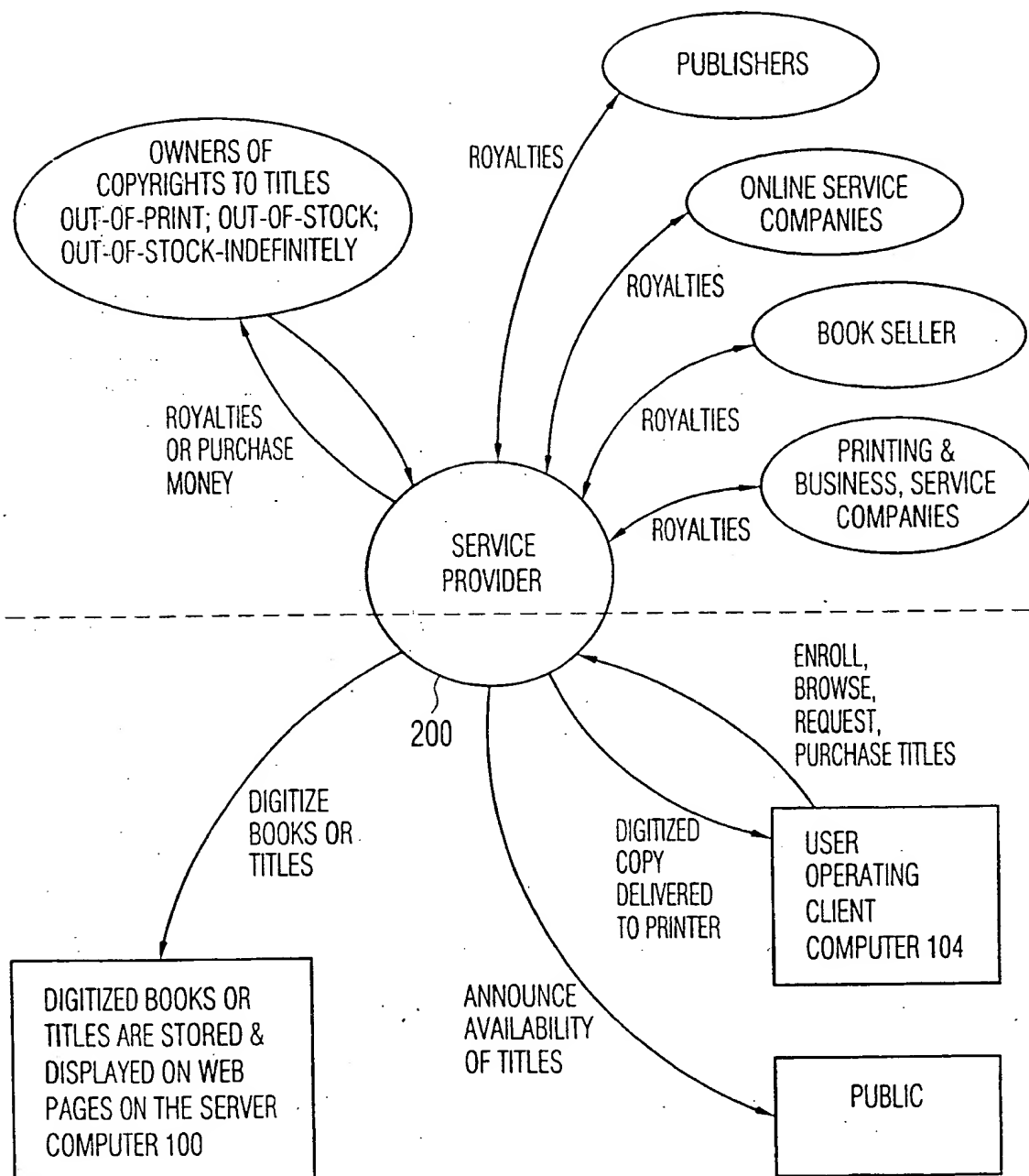


FIG. 2

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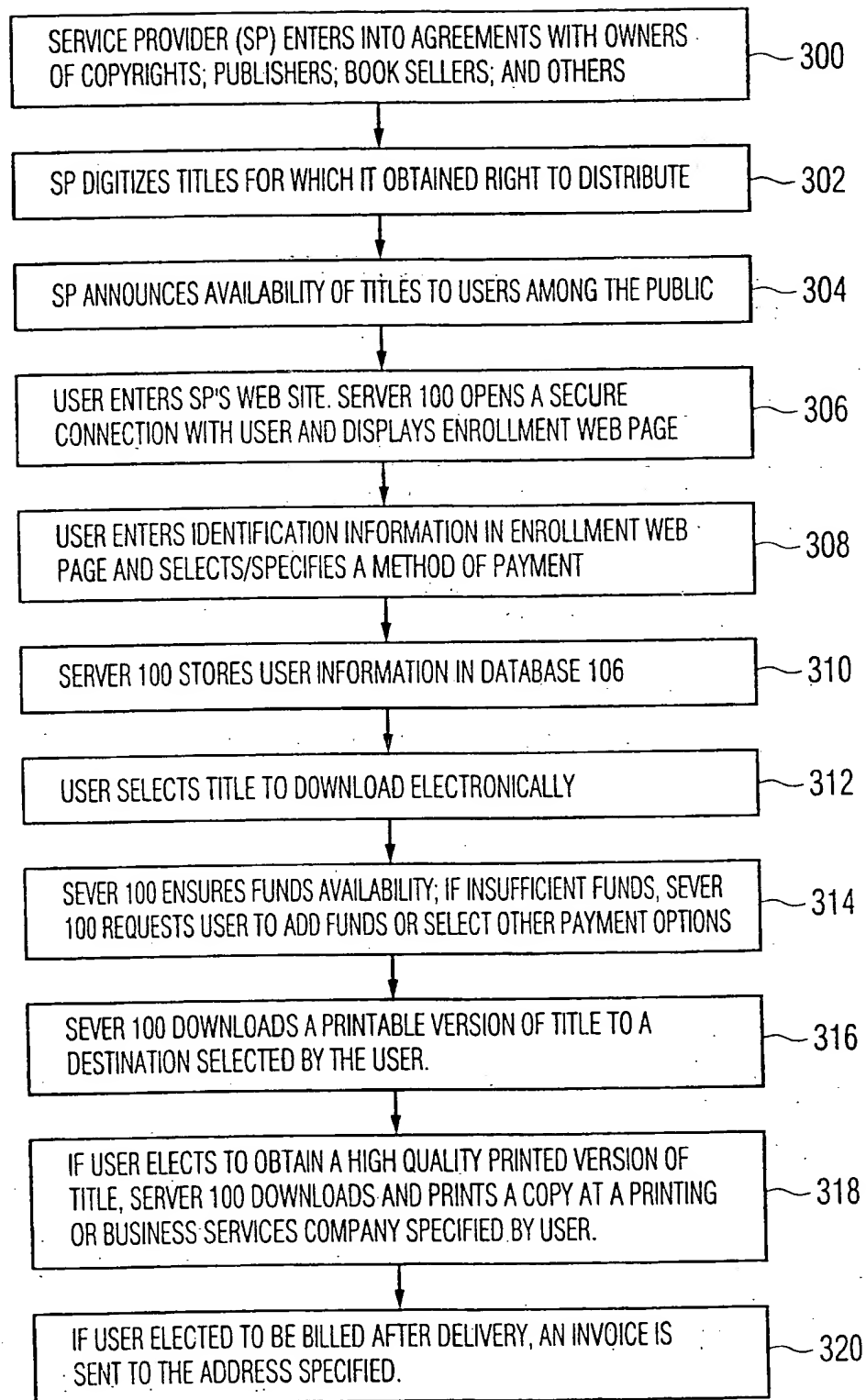


FIG. 3

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US00/13018

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : H04B 3/00, H04K 1/02

US CL : 705/26

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 705/26

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
NONEElectronic data base consulted during the international search (name of data base and, where practicable, search terms used)
DIALOG, WEST 2.0

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5,532,920 A (HATRICK et al) 02 July 1996, col. 6 L 44-col 7 L 19, col. 14 L 27-50	1-9
Y	US 5,884,280 A (YOSHIOKA et al) 16 March 1999, Figure 2, col. 2 L 46- col. 3 L 42, col. 5 L 43- col. 6 L 6	1-9
A	US 5,636,276 A (BRUGGER) 03 June 1997, entire document	1-9
A	US 5,410,598 A (SHEAR) 25 April 1995, entire document	1-9



Further documents are listed in the continuation of Box C.



See patent family annex.

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